

# **EXHIBIT A**

Oct. 27, 2011 9:07AM

No. 0868 P. 9

STATE OF NEW YORK  
SUPREME COURT COUNTY OF BRONX

LINDA BERK  
100 Dreiser Loop, Apt. 10A  
Bronx, New York 10475

Plaintiff

vs.

SUMMONS

305908 - 2011

Index No:

The Stop & Shop Supermarket Company  
d/b/a Stop and Shop

Defendant

To the above named defendant:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff's attorneys a verified answer to the verified complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Trial is desired in the County of Bronx.

The basis of venue designated above is that Plaintiff's reside there, and the cause of action arose in the County of Bronx.

*Susan Berk*  
Susan Berk, Esq.  
Law Offices of Gregory L. Lattimer  
445 Park Avenue, 900213  
New York, N.Y. 10022  
(202) 638-0095

Dated: June 30, 2011

Oct. 27, 2011 9:07AM

No. 0868 P. 10

STATE OF NEW YORK  
SUPREME COURT COUNTY OF BRONX

LINDA BERK  
100 Dreiser Loop, Apt. 10A  
Bronx, New York 10475

**VERIFIED COMPLAINT**

Plaintiff,

vs.

Index No:

The Stop & Shop Supermarket Company  
d/b/a Stop and Shop

Defendant.

Plaintiff, Linda Berk, by and through her attorney, Susan Berk as and for a Verified Complaint against the defendant and allege that at all times hereinafter mentioned:

1. Plaintiff is a resident of the City of New York, County of Bronx, State of New York.
2. Upon information and belief, defendant The Stop & Shop Supermarket Company is doing business as "Stop and Shop," a grocery store operating in the County of the Bronx in the State of New York.

**STATEMENT OF RELEVANT FACTS**

3. On July 3, 2008, at approximately 9:00 p.m., Linda Berk was shopping in the Stop & Shop store located at 691 Co-op City Boulevard, County of Bronx, State of New York to purchase groceries.

4. As Ms. Berk was walking down the aisle, an employee and/or agent of Stop & Shop was stacking a display when he dropped the wooden display board on her right toes from a height of approximately 4 feet causing her toes to swell and caused severe pain.

COUNT I  
(Negligence)

5. Plaintiff reasserts ¶¶ 1-4 as if fully set forth herein.
6. The Stop & Shop's employee had a duty to perform his duties so as not to carelessly or negligently cause injury or damage to customer and/or invitees of the defendant.
7. The Stop & Shop's employee breached that duty when he operated the display negligently and carelessly causing it to fall on the toes of plaintiff.
8. As a direct and proximate result of the aforesaid reckless and negligent conduct of the Stop & Shop's employee, who was operating within the scope of his employment, Linda Berk suffered injuries and damages, consisting of, but not limited to, great pain of body and mind, and other physical injuries, financial losses, as well as great emotional and psychological injuries.
9. The actions of the Stop & Shop's employee in negligently handling of the display are imputed to defendant Stop & Shop's who was responsible for the operation of the store and the displays located therein entrusted to the employee inasmuch as it knew or should have known that his entrustment of the display to the employee was negligent.
10. Moreover, defendant Stop & Shop is responsible for the acts of its agent/representative while acting within the scope of their employment and/or in furtherance of their business relationship.
11. As a further direct and proximate result of defendant's actions, plaintiff has suffered significant economic and personal injuries consisting of, but not limited to, medical bills, pain, suffering, as well as mental anguish.

**WHEREFORE**, plaintiff demands judgment against Defendant as follows:

a. For general damages and injuries to the person of Linda Berk in an exact amount to be determined at trial but in no event less than **ONE HUNDRED THOUSAND DOLLARS (\$100,000.00)**.

b. For compensatory damages in an exact amount to be determined at the trial of this matter but in no event less than **ONE THOUSAND DOLLARS (\$100,000.00)**.

c. For costs of suit.

d. For reasonable attorneys' fees and such other relief as this Honorable Court deems just and proper.

**COUNT II**

(Negligent Infliction of Emotional Distress)

12. Plaintiff herein adopts and incorporates by reference all allegations set forth in paragraphs 1-11.

13. Defendant, by and through its agents, managers and supervisors, negligently caused severe emotional distress to Linda Berk by its negligent conduct, including but not limited to, handling the display in a location and manner in which it was going to fall causing injury to the invitee.

14. As a direct and proximate result of defendant's negligent conduct, Linda Berk, suffered severe physical pain, emotional distress, and mental anguish.

WHEREFORE, the plaintiff demands judgment against the defendant in the full and just amount of One Hundred Thousand Dollars (\$100,00.00) plus interest, costs and such further relief as this Honorable Court deems appropriate.

Oct. 27, 2011 9:08AM

No. 0868 P. 13

**JURY DEMAND**

Plaintiff demands a trial by jury on the above claims.

DATED: June 30, 2011

By: Linda Berk

Susan Berk  
Law Offices of Gregory L. Lattimer, PLLC  
445 Park Avenue, #900213  
9<sup>th</sup> Floor  
New York, N.Y. 10022

1200 G Street, N.W.  
Suite 800  
Washington, D.C. 20005  
(202) 638-0095 (Tel)  
(202) 638-0091 (Fax)

Attorney for Plaintiff  
(202) 638-0095

**VERIFICATION**

STATE OF NEW YORK )  
) ss.:  
COUNTY OF Bronx )

Linda Berk, being duly sworn, depose and says that she is the plaintiff in the above-entitled action; that she has read the foregoing Summons & Complaint, and that the same is true to her own knowledge, except as to those matters stated therein to be alleged on information and belief, and as to those matters, she believes them to be true.

Linda Berk  
Linda Berk

Sworn to before me  
30 day of June, 2011

Alantayn DeFreitas  
Notary Public



# **EXHIBIT B**

Oct. 27, 2011 9:06AM

No. 0868 P. 4

STATE OF NEW YORK  
SUPREME COURT COUNTY OF BRONX

LINDA BERK  
100 Dreiser Loop  
Bronx, NY 10475

Plaintiff,

## SUPPLEMENTAL SUMMONS

vs.

THE STOP & SHOP SUPERMARKET  
COMPANY LLC;  
d/b/a STOP & SHOP  
691 Co-op City Blvd.  
Bronx, New York 10475

Index No: 305908

11 OCT 2011 PM 1:22  
COURT CLERK  
BRONX COUNTY

RECEIVED  
RECEIVED

Defendant.

To the above named defendant:

THE STOP &amp; SHOP SUPERMARKET COMPANY LLC

YOU ARE HEREBY SUMMONED and required to serve upon plaintiff's attorneys a verified answer to the verified amended complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Trial is desired in the County of Bronx.

The basis of venue designated above is that Plaintiff's reside there, and the cause of action arose in the County of Bronx.

*Susan Berk*  
Susan Berk, Esq.  
Law Offices of Gregory L. Lattimer  
100 Dreiser Loop, Suite 10A  
Bronx, N.Y. 10475  
(202) 638-0095

Dated: October 21, 2011

Oct. 27. 2011 9:06AM

No. 0868 P. 5

STATE OF NEW YORK  
SUPREME COURT COUNTY OF BRONX

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LINDA BERK  
100 Dreiser Loop  
Bronx, NY 10475

Plaintiff,

vs.

THE STOP & SHOP SUPERMARKET  
COMPANY LLC,  
d/b/a STOP & SHOP  
691 Co-op City Blvd.  
Bronx, New York 10475

AMENDED VERIFIED  
COMPLAINT

Index No: 305908-2011

Defendant.

---

Plaintiff, Linda Berk, by and through her attorney, Susan Berk as and for an Amended Verified Complaint against the defendant and allege that at all times hereinafter mentioned:

1. Plaintiff is a resident of the City of New York, County of Bronx, State of New York.
2. Upon information and belief, defendant The Stop & Shop Supermarket Company is doing business as "Stop & Shop," a grocery store operating in the County of the Bronx in the State of New York.

**STATEMENT OF RELEVANT FACTS**

3. On July 3, 2008, at approximately 9:00 p.m., Linda Berk was shopping in the Stop & Shop store located at 691 Co-op City Boulevard, County of Bronx, State of New York to purchase groceries.

4. As Ms. Berk was walking down the aisle, an employee and/or agent of Stop & Shop was stacking a display when he dropped the wooden display board on her right toes from a height of approximately 4 feet causing her toes to swell and severe pain.

COUNT I  
(Negligence)

5. Plaintiff reasserts 111-4 as if fully set forth herein.
6. The Stop & Shop employee had a duty to perform his duties so as not to carelessly or negligently cause injury or damage to customer and/or invitees of the defendant.
7. The Stop & Shop employee breached that duty when he operated the display negligently and carelessly causing it to fall on the toes of plaintiff.
8. As a direct and proximate result of the aforesaid reckless and negligent conduct of the Stop & Shop employee, who was operating within the scope of his employment, Linda Berk suffered injuries and damages, consisting of, but not limited to, great pain of body and mind, and other physical injuries, financial losses, as well as great emotional and psychological injuries.
9. The actions of the Stop & Shop employee in negligently handling the display are imputed to defendant Stop & Shop who was responsible for the operation of the store and the displays located therein were entrusted to the employee inasmuch as it knew or should have known that its entrustment of the display to the employee was negligent.
10. Moreover, defendant Stop & Shop is responsible for the acts of its agent/representative while acting within the scope of his employment and/or in furtherance of their business relationship.
11. As a further direct and proximate result of defendant's actions, plaintiff has suffered significant economic and personal injuries consisting of, but not limited to, medical bills, pain, suffering, as well as mental anguish.

WHEREFORE, plaintiff demands judgment against Defendant as follows:

- a. For general damages and injuries to the person of Linda Berk in an exact amount to be

determined at trial but in no event less than ONE HUNDRED THOUSAND DOLLARS (\$100,000.00).

b. For compensatory damages in an exact amount to be determined at the trial of this matter but in no event less than ONE THOUSAND DOLLARS (\$100.000.00).

c. For costs of suit.

d. For reasonable attorneys' fees and such other relief as this Honorable Court deems just and proper.

**COUNT II**  
(Negligent Infliction of Emotional Distress)

12. Plaintiff herein adopts and incorporates by reference all allegations set forth in paragraphs I-II,

13. Defendant, by and through its agents, managers and supervisors, negligently caused severe emotional distress to Linda Berk by its negligent conduct, including but not limited to, handling the display in a location and manner in which it was going to fall causing injury to the invitee.

14. As a direct and proximate result of defendant's negligent conduct, Linda Berk, suffered severe physical pain, emotional distress, and mental anguish.

WHEREFORE, the plaintiff demands judgment against the defendant in the full and just amount of One Hundred Thousand Dollars (\$100,00.00) plus interest, costs and such further relief as this Honorable Court deems appropriate.

Oct. 27, 2011 9:07AM

No. 0868 P. 8

JURY DEMAND

Plaintiff demands a trial by jury on the above claims.

DATED:

By: Susan Berk  
Susan Berk  
Law Offices of Gregory L. Latimer, PLLC  
445 Park Avenue, #900213  
9<sup>th</sup> Floor  
New York, N.Y. 10022

Attorney for Plaintiff

## VERIFICATION

STATE OF NEW YORK      }  
                                }  
COUNTY OF BRONX      }ss

Linda Berk, being duly sworn, depose and says that she is the plaintiff in the above-entitled action; that she has read the foregoing Supplemental Summons & Amended Verified Complaint, and that the same is true to her own knowledge, except as to those matters stated therein to be alleged on information and belief, and as to those matters, she believes them to be true.

Sworn to before me  
24 day of October, 2011Linda BerkLydia E. Cruz  
Notary Public

Lydia E. Cruz  
Commissioner of Oaths  
City of New York No. 3-7319  
Certificate Filed in Bronx County  
Commission Expires May 01, 2011

# **EXHIBIT C**

Oct. 27, 2011 9:06AM  
Ahold Mail - Notice of Service of ProcessNo. 0868 P. 2  
Page 1 of 2

Linda Delgreco &lt;lDelgreco@ahold.com&gt;

## Notice of Service of Process

1 message

sop@csclinfo.com <sop@csclinfo.com>  
To: lDelgreco@aholdusa.com

Wed, Oct 26, 2011 at 4:40 PM

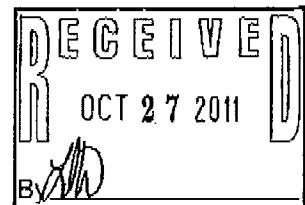
## Corporation Service Company ®

CSC SameDay SOP and CSC PowerBrief clients, click [here](#) to receive and view your Service of Process documents now.

For more information on instant access to your SOP, click [Sign Me Up](#).

### NOTICE OF SERVICE OF PROCESS

Transmittal Number: 9242342  
Date: 10/26/2011



Pursuant to client instructions, we are forwarding this summary and notice of Service of Process. The Service of Process document has been sent to the primary contact listed below.

<b>Entity:</b>	The Stop & Shop Supermarket Company LLC
<b>Entity I.D. Number:</b>	2342222
<b>Entity Served:</b>	The Stop & Shop Supermarket Company LLC d/b/a Stop & Shop
<b>Title of Action:</b>	Linda Berk vs. The Stop & Shop Supermarket Company LLC .
<b>Document(s) type:</b>	Summons and Amended Complaint
<b>Nature of Action:</b>	Personal Injury
<b>Court/Agency:</b>	Bronx County Supreme Court, New York
<b>Case/Reference No:</b>	305908-2011
<b>Jurisdiction Served:</b>	New York
<b>Date Served on CSC:</b>	10/26/2011
<b>Answer or Appearance Due:</b>	20 Days
<b>Originally Served On:</b>	CSC
<b>How Served:</b>	Personal Service

**Sender Information:**  
Susan Berk  
202-638-0095

**Primary Contact:**  
Linda DelGreco - 10th Floor  
Stop & Shop

Oct. 27, 2011 9:06AM  
Amdt Mail - Notice of Service of Process

No. 0868 P. 3  
Page 2 of 2

**Copy of transmittal only provided to:**

Mr. Thomas Hippner  
Susan DiPietro

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Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the document(s) and taking appropriate action.

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